

REMARKS

The Office Action mailed July 5, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-23 are now pending in this application.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction requirement was imposed under 35 U.S.C. § 121 to elect one of the following inventions for prosecution on the merits:

Group I, Claims 1-10, drawn to a washing machine, classified in Class 68, subclass 12.02; and

Group II, Claims 11-23, drawn to a method/system for rinsing a tub, classified in Class 8, subclass 158 for prosecution.

Applicant elects with traverse to prosecute the invention of Group I, Claims 1-10.

The requirement for election is traversed because the invention of Group I is clearly related to the invention of Group II. A thorough search and examination of one Group would be relevant to the examination of the other Group.

Regarding Groups I and II, the Examiner alleges that “[t]he inventions of Group I and II are related as process and apparatus for its practice. ... In this case the process as claimed can be practiced by another and materially different apparatus such as one not requiring a controller to control the amount of liquid in the tub.” Applicant notes, however, that the language of Claims 1, 11, and 21 are drawn to controlling an amount of fluid in a tub based on a conductivity of the fluid. Therefore, Applicant respectfully submits that the claims of Groups I and II have an overlapping nature such that a search and examination of Groups I and II can be made without serious burden.

MPEP section 803 states that if “the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

Applicant respectfully submits that the search and examination of the entire application (Groups I and II) can be made without serious burden. For at least the reasons set forth above, Applicant respectfully requests examination of Groups I and II.

In addition, requirements for restriction are not mandatory under 35 U.S.C. § 121. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully submitted,



Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070